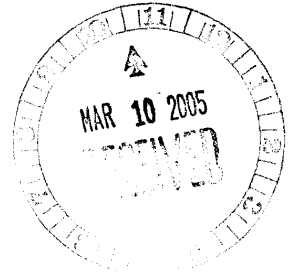


REF
Proceedings

Part of
Public Record



**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO. 213524
AB-32 (Sub No. 93X)
AB-355 (Sub No. 31X) 213525

**BOSTON AND MAINE CORPORATION
SPRINGFIELD TERMINAL RAILWAY COMPANY
DISCONTINUANCE OF SERVICE
SUFFOLK COUNTY, MASSACHUSETTS**

PETITION FOR EXEMPTION

Dated: March 8, 2005

Applicants' representative:

Katherine E. Potter
Law Department
Iron Horse Park
North Billerica, MA 01862
(978) 663-1215

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO.
AB-32 (Sub No. 93X)
AB-355 (Sub No. 31X)

**BOSTON AND MAINE CORPORATION
SPRINGFIELD TERMINAL RAILWAY COMPANY
DISCONTINUANCE OF SERVICE
SUFFOLK COUNTY, MASSACHUSETTS**

PETITION FOR EXEMPTION

INTRODUCTION

Pursuant to 49 U.S.C. § 10502, 49 C.F.R. § 1121.1 *et seq.* and 49 C.F.R. § 1152.60, the Boston and Maine Corporation (B&M) and Springfield Terminal Railway Company ("ST") (collectively the "Applicants" or the "Railroad") hereby petition the Board for an exemption from the requirements of 49 U.S.C. § 10903 for discontinuance of its rail freight service over the so-called Mystic Wharf Branch in Charlestown, Suffolk County, Massachusetts, extending from railroad milepost 0.0 to milepost 1.45, a distance of 1.45 miles (the "Line").

SUBJECT RAIL LINE

The Line is located in the Mystic River Designated Port Area in Charlestown, Massachusetts and traverses United States Postal Service ZIP Code 02129. A map of the Line is attached as Exhibit "A." Based on information in the Applicant's possession, the Line does not contain federally granted rights-of-way.

On September 4, 2001, B&M sought authority under 49 U.S.C. § 10903 to abandon the Line.¹ B&M's application is attached hereto as Exhibit "B." Notice of the filing was published in the Federal Register on September 24, 2001. *Boston and Maine Corporation – Abandonment- in Suffolk County, MA*, STB Docket No. AB-32 (Sub No. 92) (Decided: December 18, 2001) ("*Boston & Maine I*"). The Massachusetts Port

¹ B&M had previously filed an application to abandon the Line on July 20, 2001 in STB Docket No. AB-32 (Sub No. 91). This application was found to be defective and was dismissed without prejudice in a decision dated August 8, 2001. *Boston and Maine Corporation – Abandonment – in Suffolk County, MA*, STB Docket No. AB-32 (Sub No. 91) (Decided: August 8, 2001) ("*Boston & Maine I*").

Authority ("Massport") filed comments opposing the application.² Massport's comment outlining their opposition to abandonment of the Line is attached hereto as Exhibit "C." B&M subsequently filed a reply to Massport's comment dated September 10, 2001. B&M's reply is attached hereto as Exhibit "D."

In its decision in *Boston & Maine II*, the Board found that when considering the return on value of the Line and the rehabilitation cost associated with the Line, the Line "would require a subsidy of \$659,254 in the forecast year." *Boston & Maine II* at p.5. The Board further found that, despite the evidence produced by Massport in opposition, there were no "prospects for new rail traffic that could generate additional revenues." *Id.* The Board concluded that any "harm to shippers and the community from the proposed abandonment [was] outweighed by the demonstrated harm to B&M and the burden on interstate commerce that would result from continued operation of the [L]ine." In light of these findings, the Board granted abandonment authority to B&M. *Id.* at p.6.

During the time period in which *Boston & Maine II* proceeding was before the Board, B&M and Massport negotiated the potential sale of the Line to Massport in an effort to preserve the Line for rail freight service. The parties later reached an agreement whereby Massport purchased the right-of-way and related assets subject to an exclusive permanent easement retained by B&M³ to perform freight rail operations. The Board approved the transaction on March 21, 2003. *Massachusetts Port Authority – Acquisition Exemption – Certain Assets of Boston & Maine Corporation*, STB Finance Docket No. 34276; *Boston & Maine Corporation – Abandonment – In Suffolk County, MA*, STB Docket No. AB-32 (Sub No. 92) (Decided: March 21, 2003).

REASONS FOR THE DISCONTINUANCE

An exemption is sought for discontinuance because there is no longer any demand for service on the Line.

This Line became a candidate for abandonment and discontinuance in 2001 when the only remaining customer on the Line, the United States Gypsum Company ("US Gypsum"), received severely limited service. See Exhibit B, B&M Application for Abandonment Authority dated September 4, 2001. Since the original application, US Gypsum has subsequently sought to transfer its facilities to another site. In the spring of 2004, the Applicants assisted US Gypsum with its relocation to a facility in Wilmington, Massachusetts served by the Applicants. See March 8, 2004 Letter from Richard M. Willey to Thomas C. Ricks, Manager, Logistics Operations, US Gypsum attached hereto as Exhibit "E."

Additionally, other formerly rail-served facilities on the Line have been converted to other uses, removing the potential for reinstating service at these locations and the

² Massport's comment was filed on August 6, 2001 in opposition to the abandonment application in *Boston & Maine I*. Because *Boston & Maine I* was dismissed, as discussed above, Massport's comment was considered in *Boston & Maine II*.

³ ST operates on the Line pursuant to a lease agreement with B&M, which was approved by the Board's predecessor, the Interstate Commerce Commission, in 1988. Finance Docket No. 30965; Delaware and Hudson Railway Company – Lease and Trackage Rights Exemption – Springfield Terminal Railway Company (Decided February 17, 1988).

planned improvements to the Port of Boston waterfront, which is served by the Line, have not taken place removing yet another potential source of rail served customers on the Line. Discontinuance will also relieve the Applicants of the responsibility to expend its resources and energy for the inspection and maintenance of a rail line upon which there has been little or no service since 2001, and on which the Applicants are not aware of even the potential opportunity for rail service in the future.

THE EXEMPTION STANDARDS HAVE BEEN MET

Under 49 U.S.C. § 10903, a rail line cannot be discontinued without the prior approval of the Board. However, under 49 U.S.C § 10502, the Board must exempt a rail transaction from regulation when it finds that (1) application of the pertinent statutory provisions is not necessary to carry out the rail transportation policy of 49 U.S.C § 10101; and (2) either the transaction is of limited scope or regulation is unnecessary to protect shippers from the abuse of market power.

While the discontinuance proposed does not meet the specific criteria for the class exemption contained in 49 C.F.R. § 152.50, it clearly falls within the statutory standards requiring exemption under § 10502. As explained above, the discontinuance is of limited scope and is not necessary to carry out the transportation of policy of 49 U.S.C § 10101. Furthermore, all users of the rail line are in agreement that discontinuance is appropriate.

ENVIRONMENTAL/HISTORICAL REPORT AND NOTICES

The Environmental/Historical Report required by 49 C.F.R. § 1105.7 and § 1105.8 were previously served on the required parties and are attached hereto as Exhibit "F." A certificate of publication evidencing Applicant's compliance with 49 C.F.R. § 1105.12 is attached hereto as Exhibit "G." A certificate of compliance with the notice requirements of 49 C.F.R. § 1152.50(d) and § 1152.60(d) is attached hereto as Exhibit "H."

LABOR STANDARDS

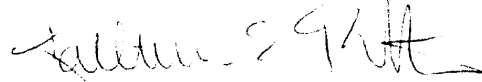
The interest of railroad employees will be protected by the conditions imposed in *Oregon Short Line R. Co. – Abandonment – Goshen*, 360 I.C.C. 91 (1979).

DRAFT FEDERAL REGISTER NOTICE

A draft Federal Register notice is attached to this Petition as Exhibit "I."

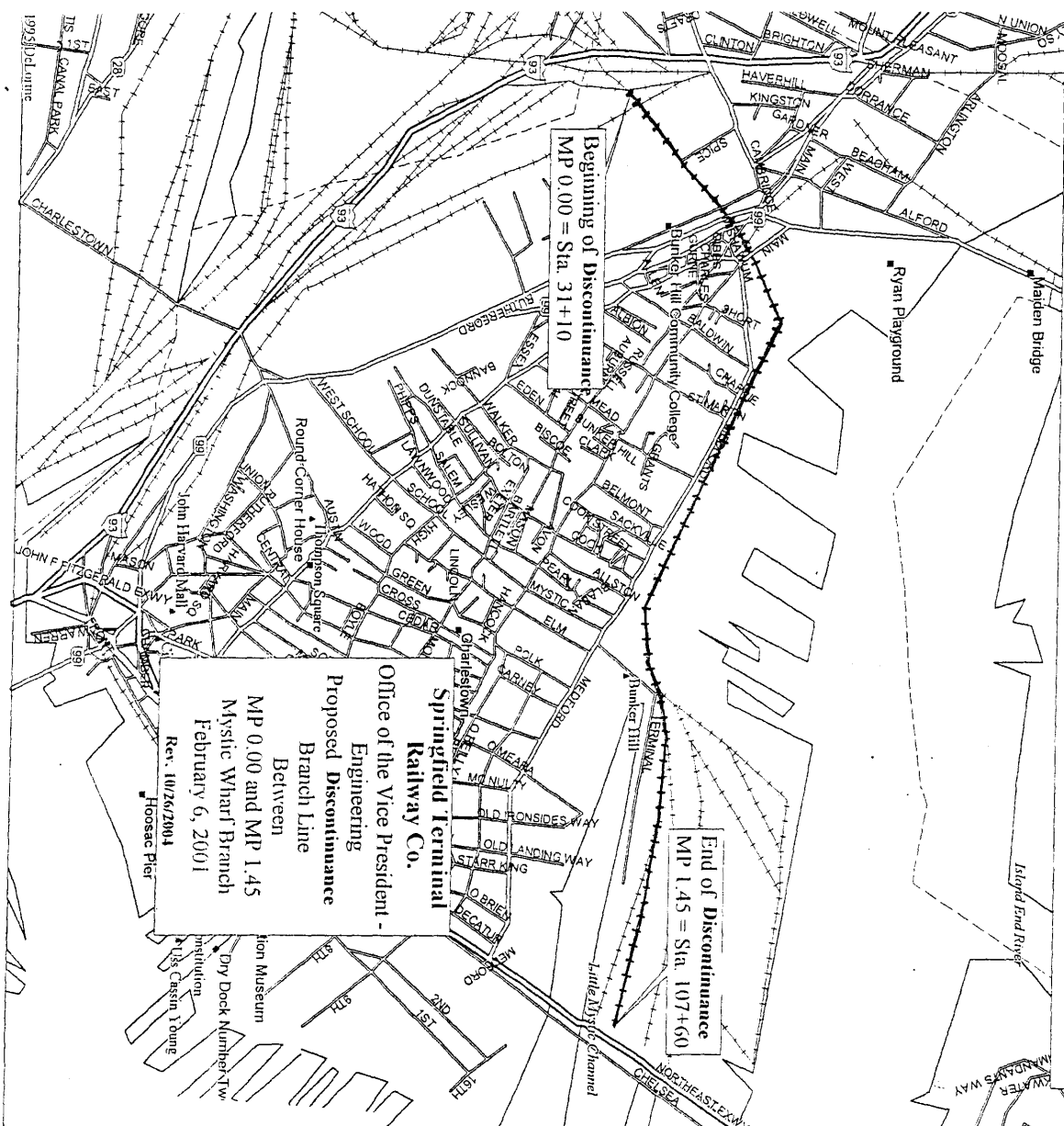
WHEREFORE, Applicants respectfully request that the Board issue a decision exempting the proposed discontinuance from the provisions of 49 U.S.C. § 10903 and direct that the exemption be effective on the date of the Board's decision.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Katherine E. Potter", written over a faint horizontal line.

Katherine E. Potter
Staff Attorney
Boston and Maine Corporation
Springfield Terminal Railway Co.
Iron Horse Park
North Billerica, MA 01862
(978) 663-1215
kpotter@guilfordrail.com

Mystic Wharf Branch Discontinuance



Beginning of Discontinuance
MP 0.00 = Sta. 31+10

End of Discontinuance
MP 1.45 = Sta. 107+60

Springfield Terminal
Railway Co.
Office of the Vice President -
Engineering
Proposed Discontinuance
Branch Line
Between
MP 0.00 and MP 1.45
Mystic Wharf Branch
February 6, 2001
Rev. 10/26/2004
Hoosac Pier

- Map 15.00
- 1:12,500 (at center)
- Scale 1:12,500 (at center)
- 1000 Feet
- 200 Meters
- Secondary SR, Road, Hwy Ramp
- Major Connector
- State Route
- Interstate/Limited Access
- Toll Highway
- Railroad
- Point of Interest
- Summit
- Park or Reservation
- Locate
- County Boundary
- Population Center
- Lake, Ocean, Large River
- PROPOSED Discontinuance

EXHIBIT B

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**FINANCE DOCKET NO.
AB-32 (Sub No. 92)**

**BOSTON AND MAINE CORPORATION
ABANDONMENT AND DISCONTINUANCE OF SERVICE
SUFFOLK COUNTY, MASSACHUSETTS**

APPLICATION TO ABANDON AND DISCONTINUE SERVICE

Dated: August 31, 2001

Applicant's representatives:

Robert B. Culliford
Law Department
Iron Horse Park
North Billerica, MA 01862
(978) 663-1029

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**FINANCE DOCKET NO.
AB-32 (Sub No. 92)**

**BOSTON AND MAINE CORPORATION
ABANDONMENT AND DISCONTINUANCE OF SERVICE
SUFFOLK COUNTY, MASSACHUSETTS**

APPLICATION TO ABANDON AND DISCONTINUE SERVICE

The Boston and Maine Corporation ("applicant") hereby re-submits its application to abandon and discontinue service over the so-called Mystic Wharf Branch located in Charlestown, Suffolk County, Massachusetts. In support of this application, the B&M states the following pursuant to 49 C.F.R. § 1152.22:

(a)(1) Exact name of applicant:

Boston and Maine Corporation

(a)(2) Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, chapter 105:

Applicant is a common carrier by railroad subject to 49 U.S.C., Subtitle IV, Chapter 105.

(a)(3) Relief Sought:

Applicant seeks to abandon and discontinue service over this line.

(a)(4) Detailed map of the subject line:

Please see attached "Exhibit A".

(a)(5) Reference to inclusion of the rail line to be abandoned and service discontinued on the carrier's system diagram map in compliance with §§ 1152.10 through 1152.13, and the date upon which such line was first listed on the system diagram map in category 1 in accordance with § 1152.10(b)(1).

This rail line was included in Category 1 on the applicant's system diagram map beginning in January, 1999. The line description which accompanies the system diagram map is as follows:

Mystic Wharf Branch.
Located within Massachusetts.
Located within Suffolk County, MA.
Milepost 0.00 to milepost 1.45.
No agency or terminal station is located on this line.
Map designation M.

(a)(6) Detailed statement of reasons for filing application:

The applicant seeks authority to abandon and discontinue service over this line because the only remaining customer on this line does not transport sufficient amounts of goods by rail to make continued service viable. In addition, former rail-served facilities on this line have been converted to other uses, removing the potential for reinstating service at these locations. Furthermore, planned improvements to the Port of Boston waterfront that is served by this line have not taken place, which removes another potential source of rail served customers on this line. Finally, the underlying value of this property for development consistent with other uses in the area is significant.

(a)(7) Name, title and address of representative of applicant to whom correspondence should be sent.

Robert B. Culliford
Law Department
Boston and Maine Corporation
Iron Horse Park
North Billerica, Massachusetts 01862
(978) 663-1029

(a)(8) List of all United States Postal Service ZIP Codes that the line proposed for abandonment traverses: 02129

(b) Condition of Properties:

In light of the overall condition of the track, this line is currently classified as "Excepted Track" pursuant to 49 C.F.R. Section 213.4. In order to upgrade the line to FRA Class One safety standards, approximately 200 crossties will need to be replaced, an at-grade crossing will need to be rehabilitated at the former Amstar facility, and two turnouts will need to be retired. The total estimated cost of this upgrade is \$58,500.00. In addition, absent abandonment, the Signal System on the line will need to be upgraded in the near future. Because abandonment and discontinuance is expected to occur prior to the need for this upgrade, no estimate for this portion of the rehabilitation is available. Please see attached Exhibit B.

(c) Service Provided: Description of the service performed on the line during the Base Year:

(c)(1) Number of trains operated and their frequency:

During the Base Year approximately 48 trains were operated over the line, with service being performed once per week.¹

(c)(2) Miles of track operated (including main line and all railroad-owned sidings):

Approximately 1.45 miles of track are operated on this line.

(c)(3) Average number of locomotive units operated:

On average, one locomotive was operated per trip on the line.

(c)(4) Total tonnage and carloads by each commodity group on the line:

Total Tonnage:	1,953 tons	Carloads:	27
Commodities:	Sand, Gypsum, Flour Grain, Corn Flour and Plaster		
Commodity:	Sand		
Cars:	Base Year:	11	
Tonnage:	Base Year:	1,081	

¹ The Applicant operates a local switcher in the area of the Mystic Wharf Branch five (5) days per week, although because the sole customer on the line does not receive carloads on a daily basis, this branch is not served each day that this switcher is operating. However, based upon the level of service in the area, and the relative paucity of shipments to the customer, the local switcher often travels down the branch without any carloads to retrieve empty cars. This practice is intended to reduce the dwell times of these cars, and explains the differential between the number of carloads delivered to the branch and the number of train trips over the line.

Commodity:	Gypsum	
Cars:	Base Year:	0
Tonnage:	Base Year:	0
Commodity:	Flour Grain	
Cars:	Base Year:	2
Tonnage:	Base Year:	130
Commodity:	Plaster	
Cars:	Base Year:	13
Tonnage:	Base Year:	677
Commodity:	Corn Flour	
Cars:	Base Year:	1
Tonnage:	Base Year:	65

(c)(5) Overhead or bridge traffic by carload commodity group that will not be retained by the carrier:

There was no overhead or bridge traffic on this branch.

(c)(6) Average crew size:

The average crew size was two employees.

(c)(7) Level of maintenance:

The level of maintenance on this line meets or exceeds FRA Class One requirements.

(c)(8) Any important changes in train service undertaken in the 2 calendar years immediately preceding the filing of the application:

There have been no important changes in train service in the two calendar years immediately preceding the date of this application.

(c)(9) Reasons for decline in traffic, if any, in the best judgment of the applicant:

While traffic has remained relatively constant over the past few years, a number of historical customers discontinued their operations several years ago and these facilities were converted to other uses, thereby removing the potential that these locations will once again be rail served. In addition, the expected expansion and improvement of rail served facilities in the Port of Boston has not occurred, removing any possibility that traffic over the line will increase to a level that would support continued operation.

(d) Revenue and Cost Data

(d)(1)-(3)

Please see attached "Exhibit C".

(e) Rural and Community Impact:

(e)(1) The name and population of each community in which a station on the line is located:

There are no stations located on this line.

(e)(2) Identification of Significant Users:

United States Gypsum Company
200 Terminal Street
Charlestown, MA 02129

Principal Commodities: Sand, Gypsum, Flour Grain, Corn Flour and Plaster

Total Cars:	1999: 24	2000: 27	2001: 9
Total Tonnage:	1999: 1,749	2000: 1,953	2001: 701

Total Cars:	Base Year:	27
Total Tonnage:	Base Year:	1,953

Commodity:	Sand		
Cars:	1999: 10	2000: 11	2001: 5
Tonnage:	1999: 984	2000: 1,081	2001: 493
Cars:	Base Year:	11	
Tonnage:	Base Year:	1,081	

Commodity:	Gypsum		
Cars:	1999: 4	2000: 0	2001: 0
Tonnage:	1999: 200	2000: 0	2001: 0
Cars:	Base Year:	0	
Tonnage:	Base Year:	0	

Commodity:	Plaster		
Cars:	1999: 7	2000: 13	2001: 4
Tonnage:	1999: 370	2000: 677	2001: 208
Cars:	Base Year:	13	
Tonnage:	Base Year:	677	

Commodity:	Flour Grain		
Cars:	1999: 2	2000: 2	2001: 0
Tonnage:	1999: 130	2000: 130	2001: 0
Cars:	Base Year: 2		
Tonnage:	Base Year: 130		
Commodity:	Corn Flour		
Cars:	1999: 1	2000: 1	2001: 0
Tonnage:	1999: 65	2000: 65	2001: 0
Cars:	Base Year: 1		
Tonnage:	Base Year: 65		

- (e)(3) General description of the alternate sources of transportation service available, and the highway network in the proximate area:

This line is located adjacent to Route 99 (Rutherford Avenue) in Charlestown, which is heavily traveled by truck. In addition, the line proceeds to the waterfront, and water transportation could be an option with extensive development. For a more detailed overview of the highway network in the proximate area, please see attached "Exhibit A".

- (e)(4) Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes:

The properties proposed to be abandoned are appropriate for other public purposes, including roads, conservation, or recreation. The Applicant is not aware of any restriction on the title to the property which would affect the transfer of title or the use of the property for other than rail purposes.

- f) Environmental Impact:

The applicant is not aware of any significant environmental impact as a result of this application. For more specific environmental impact information, please refer to the Environmental/Historical Report attached hereto as "Exhibit D".

- (g) Passenger Service:

There has been no passenger service over this line.

- (h) Additional Information:

The applicant has no additional information to provide at this time.

(i) Draft Federal Register Notice:

Applicant's Draft Federal Register Notice is attached hereto as "Exhibit E".

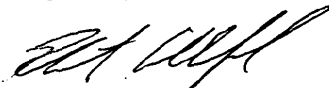
Verification:

State of Massachusetts, ss.

County of Middlesex


Robert B. Culliford makes oath and says that he is an attorney for the Boston and Maine Corporation, applicant herein; that he has been authorized by the applicant to verify and file with the Surface Transportation Board the foregoing application in STB AB-32 (Sub No. 92); that he has carefully examined all of the statements in the application as well as the exhibits attached thereto and made a part thereof; that he has knowledge of the facts and matters relied upon in the application; and that all representations set forth therein are true and correct to the best of his knowledge, information and belief.

Respectfully submitted,



Robert B. Culliford
Corporate Counsel
Boston and Maine Corporation
Iron Horse Park
North Billerica, MA 01862
(978) 663-1029

Subscribed and sworn to before me, a notary public, in and for the State and County above named, this th day of August, 2001.



Notary Public

My Commission expires: *March 28, 2003*

COMMONWEALTH OF MASSACHUSETTS)
) SS.
COUNTY OF MIDDLESEX)

Executed as of August 31, 2001.


Robert B. Cullford

James J. Dumeau
Notary Public

My Commission Expires: March 28, 2003

¹ Originally, the Applicant filed an application for abandonment and discontinuance authority on July 20, 2001, in STB Finance Docket No. AB-32 (Sub-No. 91). This application was rejected by the Board on August 7, 2001, in *Boston and Maine Corporation—Abandonment—In Suffolk County, MA*, STB Docket No. AB-32 (Sub-No. 91), Decided, August 7, 2001. Pursuant to 49 C.F.R. §1152.24(e)(3), because the Applicant is submitting this revised application within 60 days of the order rejecting the original application, no additional notice or publication under §1152.20 is required.

AFFIDAVIT OF PUBLICATION

I, Susan Boulanger Smith, ^{The} of Boston Globe, County of Suffolk, ^{Sales Rep} Editor and
 Publisher of ^{The} Boston Globe, a newspaper published in said county, hereby
 certify that the attached legal notice and copy of map was published in said newspaper in
 the issues dated June 28, July 5 + July 12, 2001.

Dated at Boston, this 12 day of July, 2001.

Susan M. Buehler-Smith
(Signature)

County of Suffolk of

Date: 7-12-01

Personally appeared the above-named Susan M. Roulander-Smith and made oath that the foregoing certificate by him/her subscribed is true.

Russ C. Wright
Notary Public
My Commission Expires: 03-08-2007

EXHIBIT A
Detailed Map of the Subject Line

Mystic Wharf Branch Abandonment



Beginning of abandonment
MP 0.00 = Sta. 31+10

End of abandonment
MP 1.45 = Sta. 107+60

Boston and Maine
Corporation
Office of the Vice President -
Engineering
Proposed Abandonment of
Branch Line
Between
MP 0.00 and MP 1.45
Mystic Wharf Branch
February 6, 2001

Mag 15.00
Tue Feb 06 15:49 2001
Scale 1:12,500 (at center)

- Secondary SR, Road, Hwy Ramp
- Major Connector
- State Route
- Interstate/United Access
- Toll Highway
- Railroad
- Point of Interest
- Summit
- Park or Reservation
- Locale
- County Boundary
- Population Center
- Lake, Ocean, Large River
- PROPOSED ABANDONMENT

EXHIBIT B
Rehabilitation of Line

Mystic Warf Abandonment

Name of Branch: Mystic Warf Branch
Location: Charlestown, Massachusetts

General line segment details:

- * The Mystic Warf Branch runs from F.X. Interlocking (former Tower C) to the Massport Authority's 'Auto Port'.
- * The Line Segment is located within the City of Charlestown, Massachusetts,
- * The Line Segment has direct access to the Port of Boston. Former business on the line consisted of heavy sugar import with Amstar and Revere Sugar Refineries, two scrap metal distributors and various facilities of Massport. Many of these manufacturing facilities have sold and the buildings turned into ocean front office space. At present there is little or no demand for freight rail shippers,.
- * Track segments is designated as Excepted Track under the provisions of 49 CFR 213.4 inspected with the frequency specified less than 49 CFR 213. 233.

Mystic Warf Branch Abandonment

Name of Branch: Mystic Warf Branch
Location: Charlestown, Massachusetts

Line segment details which have influence on communities:

- * The Line Segment crosses over the Route 99 (Rutherford Ave.) on a bridge with a span lengths of 54 foot I beam concrete deck and a 67 foot through plate girder. Note: *All undergrade bridges and structures are maintained by the railroad.*
- * There are 3 Public rail highway grade crossings and 8 Private crossings. All Public Crossings present exceptionally high AADT traffic counts with a high percentage of truck traffic. All crossings are actively protected.
- * There is and has been extensive *retail* other development of adjoining properties along this line segment within the City of Charlestown, Massachusetts Essentially, goods movements into these businesses are by truck, with little potential for rail users. The track essentially borders the Mystic River and Medford Street any potential rail development would focus on Port access which would require extensive development.

Track Details:

- * Track is standard wood tie and cut spike construction.
- * Rail is 1918 Maryland 100 # - The majority of the rail is fastened with 4 hole 24 inch angle bar joints. About 40 percent of the ties are platted with single shoulder tie plates.
- * There is no distinguished rail anchor pattern
- * Ballast essentially is stone.

- * Most rail / highway crossings are in reasonable condition and maintained with approved flangeway maintainable products. Although the crossings are fast approaching their cycle life.

Total Length of track:	6,430 track feet
Total length of track located on vertical curves:	None
Total length of track located on bridge structures:	124 track feet

- * Rail / highway grade crossings at Blue Star Cement is scheduled to be replaced in 2001, and the crossing into Charlestown Commerce Center was reconstructed in 2000. The crossing at the former Amstar properties does requires replacement.
- * Additionally, 400 ties have been installed within the past 5 years.
- * It is also critical to note that this line segment, due to its location, is straining resource allocations due to influences caused by right of way clean correcting illegal dumping this activity impacts line segment costs but does not enhance the integrity of the track structure.

Conclusions:

Track:

Replace 200 crossties	\$16,800.00
Retire two turnouts	\$16,600.00
Replace the crossing at the former Amstar	\$25,100.00

Bridge and Building

There are no bridge items identified.

Signal:

all equipment is of older technology and will require upgrading in the near future, there are no cost associates with this estimate.

Total estimated cost:	\$58,500.00
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Guilford Rail System
Engineering Department

Date: August 29, 2001

Project: Estimate

Estimate By: R. D. Bergeron

Mystic West Branch - F.X. Interlocking to Messport

Description	Quantity	Costs	Comments
Install cross ties - on tangent alignment	200	\$16,800.00	
Retire two turnouts	2	\$16,600.00	
Reconstruction of a grade crossing into the former Amstar Properties	1	\$25,100.00	
Total Cost - Proposal #1		\$58,500.00	

Notes:

EXHIBIT C
Revenue and Cost Data

BOSTON AND MAINE CORPORATION

**MYSTIC BRANCH LINE
"MYSTIC WHARF BRANCH"**

REVENUES ATTRIBUTABLE FOR	BASE YEAR (NOTE 1)	FORECAST YEA (NOTE 2)
	=====	=====
1 Freight Orig/Term on Branch	\$23,534	\$24,518
2 Bridge Traffic	0	0
3 Miscellaneous	0	0
4 Total Revenue Attributable	<u>23,534</u>	<u>24,518</u>
AVOIDABLE COSTS		
5 On-Branch Costs (lines 5a to 5k)		
a. Maintenance of Way & Structures	11,668	13,280
b. Maintenance of Equipment	922	1,005
c. Transportation	6,254	6,633
d. General Administration	0	0
e. Deadheading, taxi & hotel	0	0
f. Overhead movement	0	0
g. Freight car costs	850	814
h. Return on investment - locomotives	0	0
i. Return on investment - freight cars	0	0
j. Revenue taxes	0	0
k. Property taxes	0	0
6 Off-Branch Costs	<u>9,824</u>	<u>10,353</u>
7 Total avoidable costs	<u>29,517</u>	<u>32,085</u>
SUBSIDIZATION COSTS FOR (NOTE 3)		
8 Rehabilitation	58,500	58,500
9 Administration Costs	235	245
10 Casualty reserve account	0	0
11 Total subsidization costs	<u>58,735</u>	<u>58,745</u>
RETURN ON VALUE FOR (NOTE 4)		
12 Valuation of property		
a. Working capital	809	893
b. Income tax consequences	0	0
c. Net liquidation value	3,964,000	3,964,000
13 Rate of return	12.00%	12.00%
14 Total return on value (12x13)	475,777	475,787
15 Holding gain (loss)	17,651	17,652
16 Total return on value (14-15)	458,126	458,135
17 Avoidable loss from operations (4-7)	5,983	7,567
18 Estimated subsidy (lines 4-7-11-14)	<u>\$522,844</u>	<u>\$524,447</u>
	=====	=====

NOTES:

1. Base year reflects actual operations from January 1, 2000 thru December 31, 2000.
2. Forecast year reflects projected operating figures for September 1, 2001 thru August 31, 2002.
3. Reflects capital work required to bring track up to class I safety level.
This expenditure will make possible normal maintenance level for the next 7 years.
4. Net liquidation value includes an estimated land value of \$4,664,000.
Holding gain is calculated at 3.71% per U.S. Dept. of Commerce 'Gross Domestic price deflator'.

Finance Department

BOSTON & MAINE CORPORATION

MYSTIC BRANCH LINE

	BASE YEAR	FORECAST YEAR
REVENUES ATTRIBUTABLE FOR	=====	=====
1 Freight Orig/Term on Branch	\$23,534	\$24,518
2 Bridge Traffic	0	0
3 Miscellaneous	0	0
4 Total Revenue Attributable	=====	=====
	23,534	24,518
AVOIDABLE COSTS		
5 On-Branch Costs (lines 5a to 5k)		
a. Maintenance of Way & Structures	11,668	13,280
b. Maintenance of Equipment	922	1,005
c. Transportation	6,254	6,633
d. General Administration	0	0
e. Deadheading, taxi & hotel	0	0
f. Overhead movement	0	0
g. Freight car costs	850	814
h. Return on investment - locomotives	0	0
i. Return on investment - freight cars	0	0
j. Revenue taxes	0	0
k. Property taxes	0	0
6 Off-Branch Costs	9,824	10,353
7 Total avoidable costs	=====	=====
	29,517	32,085
Total Profit (Loss) from Operations	=====	=====
	(\$5,983)	(\$7,567)

BOSTON & MAINE CORPORATION

MYSTIC BRANCH LINE

REVENUE AND COST DATA

REVENUES ATTRIBUTABLE FOR:	BASE YEAR	FORECAST YEAR
1. Freight	\$23,534	\$24,518
3. Switching	0	0
3. Demurrage	0	0
3. Miscellaneous Rent Income	0	0
4. Total Revenues Attributable	\$23,534	\$24,518
AVOIDABLE COSTS FOR:		
5. On-Branch Costs		
b. Maintenance of Way & Structures		
Roadway Maint.	\$1,051	\$1,071
Bridges & Culverts	39	30
Ties	0	0
Rail	0	0
Other track material	0	0
Ballast	0	0
Track laying & surfacing	0	0
Fences, Snowsheds & Signs	0	0
Stations & Office Buildings	499	457
Roadway Buildings	0	0
Shops & Enginehouses	0	0
Signals & Interlockers	5,862	6,928
Roadway Machines	0	0
Road Depreciation	0	0
Roadway Machines	0	0
Small tools & Supplies	0	0
Snow removal	0	53
Public Improvements-Maint.	0	0
Injuries to Persons	0	0
Fringe Benefits	3,408	3,499
Other Expenses	809	1,242
Total Maint. of Way & Struct.	\$11,668	\$13,280
b. Maintenance of Equipment		
Locomotive Repairs	\$811	\$884
Locomotive Depreciation	11	12
Car Repairs	100	109
Fringe Benefits	0	0
Total Maint. of Equipment	\$922	\$1,005

BOSTON & MAINE CORPORATION

MYSTIC BRANCH LINE

REVENUE AND COST DATA

	BASE YEAR	FORECAST YEAR
c. Transportation - Rail Line		
Station Employees	\$0	\$0
Station Supplies & Expenses	0	0
Train Crews	2,605	2,877
Train Fuel	335	324
Train Supplies & Expenses	0	0
Operation Signals & Interlockers	0	0
Crossing Protection	1,669	1,694
Rerailing	0	0
Injuries to Persons	0	0
TOFC Terminals	0	0
Fringe Benefits	1,069	1,132
Other Operating Expenses (Inspections)	576	606
Total Transportation - Rail Line	\$6,254	\$6,633
d. General Administrative	\$0	\$0
e. Deadheading, Taxi & Hotel	0	0
f. Overhead Movement	0	0
g. Freight Car Costs		
Car Day Costs	850	814
Car Mile Costs	0	0
Total Freight Car Costs	\$850	\$814
h. Return on Investment - Locos	0	0
i. Return on Investment - Locos	0	0
j. Revenue Taxes	0	0
k. Property Taxes	0	0
5. Total On-Branch Costs	\$19,693	\$21,732
6. Off-Branch Costs	9,824	10,353
7. Total Avoidable Costs	\$29,517	\$32,085
NET GAIN (LOSS) FROM OPERATIONS	(\$5,983)	(\$7,533)

BOSTON & MAINE CORPORATION

MYSTIC BRANCH LINE

	JAN-DEC 2000	Actual JAN-DEC 1999
REVENUES ATTRIBUTABLE FOR	=====	=====
1 Freight Orig/Term on Branch	\$23,534	\$20,745
2 Bridge Traffic	0	0
3 Miscellaneous	0	0
4 Total Revenue Attributable	23,534	20,745
AVOIDABLE COSTS	=====	=====
5 On-Branch Costs (lines 5a to 5j)		
a. Maintenance of Way & Structures	11,668	14,003
b. Maintenance of Equipment	922	859
c. Transportation	6,254	5,899
d. General Administration	0	0
e. Deadheading, taxi & hotel	0	0
f. Overhead movement	0	0
g. Freight car costs	850	779
h. Return on investment - locomotives	0	0
- Avoidable costs for -		
i. Revenue taxes	0	0
j. Property taxes	0	0
6 Off-Branch Costs	9,824	8,417
7 Total avoidable costs	29,517	29,957
Total Profit (Loss) from Operations	(\$5,983)	(\$9,212)
RETURN ON VALUE FOR (NOTE 4)	=====	=====
12 Valuation of property		
a. Working capital	788	862
b. Income tax benefits	0	0
c. Net liquidation value	3,964,000	3,964,000
13 Rate of return	12.00%	11.00%
14 Total return on value (12x13)	\$475,775	\$436,135
	=====	=====

BOSTON & MAINE CORPORATION

MYSTIC BRANCH LINE

REVENUE AND COST DATA

		JAN-DEC 2000		Actual JAN-DEC 1999
REVENUES ATTRIBUTABLE FOR:		=====		=====
1. Freight	27	\$23,534	25	\$20,745
3. Switching		0		0
3. Demmorage		0		0
3. Miscellaneous Rent Income		0		0
		-----		-----
4. Total Revenues Attributable		\$23,534		\$20,745
AVOIDABLE COSTS FOR:				
5. On-Branch Costs				
b. Maintenance of Way & Structures				
Roadway Maint.		\$1,051		\$912
Bridges & Culverts		39		20
Ties		0		0
Rail		0		0
Other track material		0		0
Ballast		0		0
Track laying & surfacing		0		0
Fences, Snowsheds & Signs		0		0
Stations & Office Buildings		499		389
Roadway Buildings		0		0
Shops & Enginehouses		0		0
Signals & Interlockers		5,862		7,590
Roadway Machines		0		0
Road Depreciation		0		0
Roadway Machines		0		0
Small tools & Supplies		0		0
Snow removal		0		103
Public Improvements-Maint.		0		0
Injuries to Persons		0		0
Fringe Benefits		3,408		3,386
Other Expenses		809		1,603
		-----		-----
Total Maint. of Way & Struct.		\$11,668		\$14,003
b. Maintenance of Equipment				
Locomotive Repairs		\$811		\$823
Locomotive Depreciation		11		11
Car Repairs		100		25
Fringe Benefits		0		0
		-----		-----
Total Maint. of Equipment		\$922		\$859

BOSTON & MAINE CORPORATION

MYSTIC BRANCH LINE

REVENUE AND COST DATA

	JAN-DEC 2000	Actual JAN-DEC 1999
	=====	=====
c. Transportation - Rail Line		
Station Employees	\$0	\$0
Station Supplies & Expenses	0	0
Train Crews	2,605	2,501
Train Fuel	335	208
Train Supplies & Expenses	0	0
Operation Signals & Interlockers	0	0
Crossing Protection	1,669	1,620
Rerailing	0	0
Injuries to Persons	0	0
TOFC Terminals	0	0
Fringe Benefits	1,069	970
Other Operating Expenses	576	600
	-----	-----
Total Transportation - Rail Line	\$6,254	\$5,899
d. General Administrative	\$0	\$0
e. Deadheading, Taxi & Hotel	0	0
f. Overhead Movement	0	0
g. Freight Car Costs		
Car Day Costs	850	779
Car Mile Costs	0	0
	-----	-----
Total Freight Car Costs	\$850	\$779
h. Return on Investment - Locos	0	0
i. Property Taxes	0	0
	-----	-----
5. Total On-Branch Costs	\$19,693	\$21,540
6. Off-Branch Costs	9,824	8,417
	-----	-----
7. Total Avoidable Costs	\$29,517	\$29,957
	-----	-----
NET GAIN (LOSS) FROM OPERATIONS	(\$5,983)	(\$9,212)
	=====	=====

BOSTON & MAINE CORPORATION

MYSTIC BRANCH LINE

	CARLOADS	WEIGHT	REVENUE
January, 1999	1	104,000	\$791
February, 1999	2	292,350	1,824
March, 1999	2	295,050	1,839
April, 1999	1	195,200	1,027
May, 1999	3	407,930	2,609
June, 1999	2	299,914	1,842
July, 1999	1	110,002	791
August, 1999	2	197,400	1,060
September, 1999	2	301,965	1,853
October, 1999	3	432,617	2,378
November, 1999	4	560,250	2,887
December, 1999	2	300,015	1,843
1999	25	3,496,693	20,745
January, 2000 *	3	430,452	2,367
February, 2000 *	2	325,650	1,572
March, 2000 *	3	406,225	2,645
April, 2000 *	3	430,829	2,365
May, 2000 *	2	299,217	1,838
June, 2000 *	1	196,900	1,057
July, 2000 *	1	197,000	1,058
August, 2000 *	3	404,775	2,637
September, 2000 *	4	509,070	3,484
October, 2000 *	4	507,865	3,413
November, 2000 *	1	198,450	1,098
December, 2000 *	0	0	0
2000	27	3,906,433	23,534
* BASE YEAR (1/1/00-12/31/00)	27	3,906,433	\$23,534

EXHIBIT D
Environmental/Historical Report

MYSTIC WHARF BRANCH
ENVIRONMENTAL/HISTORICAL REPORT
Docket No. AB 32 (Sub No. 91)

I. ENVIRONMENTAL REPORT

The following information is provided in accordance with 49 C.F.R.
§ 1105.7 (e):

(1) Proposed Action and Alternatives

Boston and Maine Corporation ("B&M") proposes to abandon and discontinue service over a 1.45-mile portion of the so-called "Mystic Wharf Branch" line of railroad ("Line"). A map of the proposed abandonment previously has been provided to all parties receiving this report, and is attached as Attachment 1.

Due to the low levels of traffic over the past few years, together with the lack of reasonably foreseeable increases in traffic levels, revenue derived from the use of this line will not be sufficient to support the ongoing and future maintenance and operation of the line. In light of the condition of the line and the lack of any additional revenue sources on the line to support necessary rehabilitation, there is no reasonable alternative to abandonment and discontinuance.

(2) Transportation System

There will be no substantial effect on existing regional or local transportation systems or patterns.

(3) **Land Use**¹

(i) Based on available information, the proposed action will have no adverse effect on local land use plans.

(ii) Based on consultations with the U.S. Department of Agriculture-Natural Resources Conservation Service for the region at issue, the proposed action will have no effect or adverse impact.

(iii) This action is outside the boundary of Massachusetts coastal zone.

(iv) Applicants are unsure whether the right-of-way is suitable for alternative public use under 49 U.S.C. 10906.

(4) **Energy**

(i) The transportation of energy resources will not be affected by the proposed action.

(ii) The proposed action will have no effect on the movement and/or recovery of recyclable commodities.

(iii) The proposed action will increase overall energy efficiency in that it will allow Applicants to eliminate their potential responsibility for costly and energy-consuming maintenance operations for an unused portion of line.

¹ The Applicant attaches to this Environmental/Historical Report as an Appendix all correspondence received from federal, state and local authorities and agencies in response to the Applicant's requests for comments regarding the proposed abandonment/discontinuance of service.

(iv) The proposed action will not cause a diversion from rail to motor carrier in excess of the threshold levels set forth at § 1105.7 (e)(4)(iv)(A) or (B).

(5) **Air**

The proposed action will not result in any of the increases set forth at § 1105.7 (e)(5).

(6) **Noise**

The proposed action will not result in or exceed any of the thresholds set forth at § 1105.7 (e)(6).

(7) **Safety**

(i) The proposed action will have no adverse effect on public health and safety.

(ii) No hazardous materials will be diverted to highway transportation.

(iii) No known hazardous waste sites or spills exist on the Line.

(8) **Biological Resources**

(i) As of the date of this report, applicant has not received any response to its inquiries with the U.S. Fish and Wildlife Service.

(ii) No national or state parks or forests will be affected by the proposed action.

(9) **Water**

(i) No action inconsistent with federal, state and/or local water quality standards is contemplated by the Applicant.

(ii) The Applicant does not believe the proposed action will require any permits under § 404 of the Clean Water Act. No designated wetlands or 100-year flood plains will be affected by the proposed action.

(iii) Permits under § 402 of the Clean Water Act are not required for the proposed action.

(10) **Proposed Mitigation**

Because no adverse environmental impacts are expected to result from the proposed action, no mitigation will be needed or is planned.

(11) **Additional Information for Rail Constructions**

The proposed action is not a rail construction proposal, so this section does not apply.

II. HISTORIC REPORT

The following information is provided in accordance with 49 C.F.R.

§ 1105.8 (d):

(1) **Maps**

A United States Department of the Interior Geological Survey topographic map is attached hereto identifying the location of the proposed action.

(2) **Description of Right-of-Way**

The portion of Line at issue is approximately 1.45 miles in length. The property lines vary in width from 30 feet wide to 70 feet in some locations. The attached topographic map indicates the Line's topography.

(3) **Photographs of Railroad Structures**

There are no railroad structures located on the property that are 50 years or older.

(4) **Construction Dates**

There are no railroad structures on the line.

(5) **History of Operations**

The Line was constructed in the late 1890's. Portions of the Line were acquired in the late 1870's. The line historically served as part of a local system of branch lines.

(6) **Summary of Useful Documents**

The Applicant possesses standard valuation maps of all portions of the Line which indicate any and all culverts, bridges, and other structures that may exist.

(7) **Opinion as to Historical Significance**

The Applicant has not received comment from the Massachusetts Historical Commission with regard to the anticipated effect of the proposed action. However, based on the lack of any historic structures on the line, the applicant does not believe this line meets the criteria of 36 C.F.R. §60.4.

(8) **Description of Prior Subsurface Disturbance**

The Applicant knows of no prior subsurface ground disturbance or fill, or environmental conditions that might affect the archeological recovery of resources and the surrounding terrain.

III. CERTIFICATE OF SERVICE

This certifies that the Applicant will serve copies of this Environmental/ Historical Report upon and, prior to such service, consulted, or attempted to consult, with parties identified on the attached Service List:


Robert B. Calliford

Dated: June 29, 2001

**Environmental/Historical Report Service List
Mystic Wharf Branch AB 32 (Sub No. 91)**

State Clearinghouse
Department of Housing and
Community Development
One Congress Street, Suite 1001
Boston, MA 02114-2023

John Felix
Deputy Regional Director
Commonwealth of Massachusetts
Executive Office of Environmental Affairs
Department of Environmental Protection
Northeast Regional office
205 A Lowell Street
Wilmington, MA 01887

Jane W. Mead
Commonwealth of Massachusetts
Executive Office of Environmental Affairs
Coastal Zone Management Program
100 Cambridge Street - Rm. 2000
Boston, MA 02202

Suffolk County Commissioner
Superior Court
U.S. Post Office & Courthouse
90 Devonshire Street
Boston, MA 02109

Michael Amaral
Endangered Species Specialist
New England Field Office
U.S. Department of Interior
Fish & Wildlife Service
70 Commercial Street - Suite 300
Concord, NH 03301-5087

Robert S. Korpanty, P.E.
Senior Engineer
Department of the Army
Military Traffic Management Command
Transportation Engineering Agency
720 Thimble Shoals Boulevard, Suite 130
Newport News, VA 23606

Tina Chaisson
Assistant Project Manager
Regulatory Division
Department of Army
New England District, Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

Thomas Iurino
Outdoor Recreation Planner
U.S. Department of the Interior
National Park Service
Recreation Resources Assistance Division
PO Box 37127
Washington, D.C. 20013-7127

Dan Lenthall
District Conservationist
USDA - NRCS
319 Littleton Road - Suite 205
Westford, MA 01886-4133

Edward J. McKay, Chief
Spatial Reference System Division
National Geodetic Survey
NOAA, N/NGS2
1315 East-West Highway
Silver Spring, MD 20910-3293

Ann M. Lattinville
Director of Architectural Review
Massachusetts Historical Commission
220 Morrissey Blvd.
Boston, MA 02125

Elizabeth Higgins
U.S. Environmental Protection Agency
Region I
One Congress Street, Suite 1100
Boston, MA 02114-2023

AB 32 (Sub No. 91)

APPENDIX TO
ENVIRONMENTAL/HISTORICAL REPORT

Mystic Wharf Branch Abandonment



Boston and Maine Corporation
Office of the Vice President - Engineering
Proposed Abandonment of Branch Line
Between
MP 0.00 and MP 1.45
Mystic Wharf Branch
February 6, 2001

Beginning of abandonment
MP 0.00 = Sta. 31+10

End of abandonment
MP 1.45 = Sta. 107+60

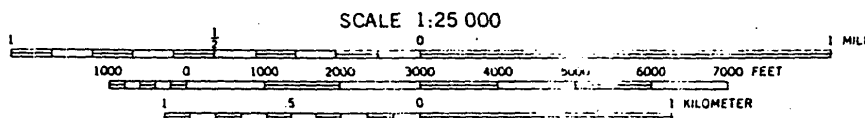
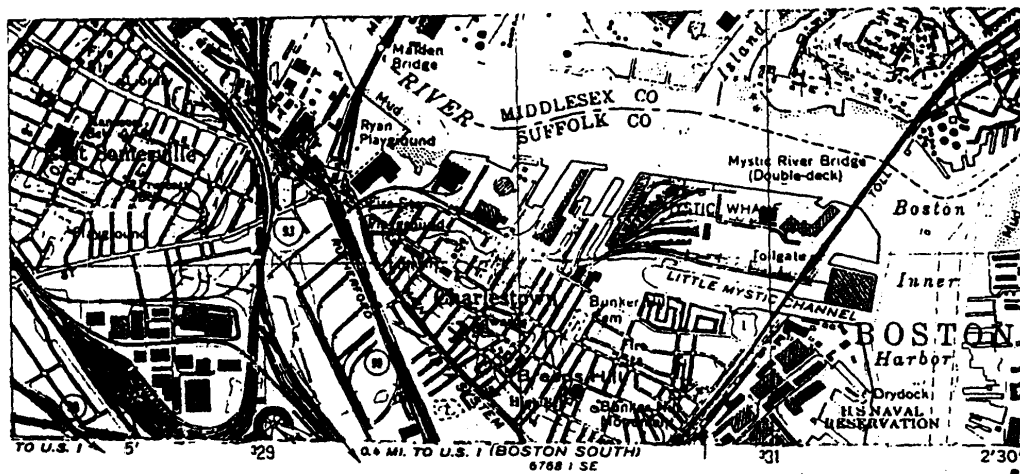
- Mag 15.00
- Tue Feb 08 15:48 2001
- Scale 1:12,500 (at center)
- 200 Meters
- 1000 Feet
- Secondary SR, Road, Hwy Ramp
- Major Connector
- State Route
- Interstate/United Access
- Toll Highway
- Railroad
- Point of Interest
- Summit
- Park or Reservation
- Locale
- County Boundary
- Population Center
- Lake, Ocean, Large River
- PROPOSED ABANDONMENT

ATTACHMENT
NO. 1

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



PORTION OF
BOSTON NORTH QUADRANGLE
MASSACHUSETTS
7.5 MINUTE SERIES (TOPOGRAPHIC)



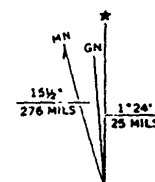
CONTOUR INTERVAL 10 FEET

To convert feet to meters
multiply by .3048

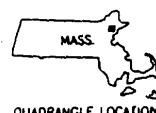
To convert meters to feet
multiply by 3.2808

NATIONAL GEODETIC VERTICAL DATUM OF 1929
DEPTH CURVES AND SOUNDINGS IN FEET—DATUM IS MEAN LOW WATER
THE RELATIONSHIP BETWEEN THE TWO DATUMS IS VARIABLE
SHORELINE SHOWN REPRESENTS THE APPROXIMATE LINE OF MEAN HIGH WATER
THE MEAN RANGE OF TIDE IS APPROXIMATELY 9.5 FEET

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U.S. GEOLOGICAL SURVEY, RESTON, VIRGINIA 22092
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST



UTM GRID AND 1979 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET



QUADRANGLE LOCATION

Mapped, edited, and published by the Geological Survey
Control by USGS, USC&GS, and Massachusetts Geodetic Survey
Topography by planetable surveys 1943. Revised from
aerial photographs taken 1969. Field checked 1971
Selected hydrographic data compiled from USC&GS Chart 248 (1971)
This information is not intended for navigational purposes
Polyconic projection. 1927 North American datum
10,000-foot grid based on Massachusetts coordinate system,
mainland zone
1000-meter Universal Transverse Mercator grid,
zone 19
Boundaries in tidewater areas from information supplied
by Massachusetts Department of Public Works
Red tint indicates areas in which only landmark buildings are shown
There may be private inholdings within the boundaries of
the National or State reservations shown on this map

Revisions shown in purple compiled in cooperation with State of
Massachusetts agencies from aerial photographs taken 1977 and other
source data. This information not field checked. Map edited 1979

ROAD CLASSIFICATION

Primary highway, hard surface _____ Light-duty road, hard or improved surface _____
Secondary highway, hard surface _____ Unimproved road _____
☐ Interstate Route ☐ U. S. Route ☐ State Route

Mystic Wharf Branch Abandonment
BOSTON NORTH, MASS.
N4222.5—W7100/7.5

1971
PHOTOREVISED 1979
AMS 6768 1 NE—SERIES V014



United States
Department of
Agriculture

Natural
Resources
Conservation
Service

319 Littleton Rd.
Suite 205
Westford, MA
01886-4133

tel: (978) 692-1904
fax: (978) 392-1305

June 5, 2001

Robert B. Culliford
Corporate Counsel

Boston & Maine
Maine Central Railroad
Springfield Terminal Railroad Company
Iron Horse Park
North Billerica, MA 01862

Re: Abandonment and Discontinuance of Service over the Mystic Wharf
Branch
AB 32 (Sub No. 91)

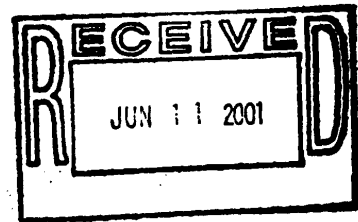
Mr. Culliford:

I do not believe that there are any adverse impacts to the agricultural resources caused by the planned abandonment of the 1.45 miles of railroad line.

There is no need to send me a copy of the completed Environmental/Historical Report.

Sincerely,

Dan Lenthall
District Conservationist

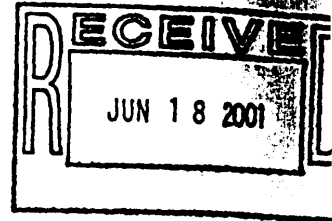




REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

June 13, 2001



Regulatory Division
CENAE-R-200101375

Robert B. Culliford, Corporate Counsel
Boston & Maine Corporation
Iron Horse Park
No. Billerica, MA 01862

Dear Mr. Culliford:

We understand that the Boston & Maine Corporation intends to abandon a 1.45-mile segment of railroad line known as the Mystic Wharf Branch in Charlestown, Massachusetts. The Corps of Engineers has no objection to the proposed abandonment and discontinuance of service. However, future re-use of the property may require a permit from the Corps of Engineers. A Corps of Engineers permit is required under Section 10 of the Rivers and Harbors Act of 1899 for all work seaward of mean high water (MHW) in navigable waters of the United States. In New England for purposes of Section 10, navigable waters of the United States are those subject to the ebb and flow of the tide, as well as a few major waterways used to transport interstate or foreign commerce, such as the Connecticut River in Massachusetts. Permits are required under Section 404 of the Clean Water Act for discharges of dredged or fill material into all waters of the United States, including navigable waters, inland rivers, lakes, streams, and wetlands, as well as excavation and grading within these waters/wetlands. On the coastline, our jurisdiction extends landward to the high tide line (HTL), i.e., the highest predictable tide, or to the landward limit of wetlands, whichever is more extensive. In interior waters, our jurisdiction extends landward to the ordinary high water mark (OHW), or to the landward limit of any wetlands, whichever is more extensive. Federal regulations define the term "wetlands" as "...those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances, do support, a prevalence of vegetation typically adapted for life in saturated soil conditions..." (Federal Register, November 13, 1986, 33 CFR Part 328.3(b)). Wetlands generally include swamps, marshes, and bogs; however, forests and meadows that lack surface waters can also be wetlands.

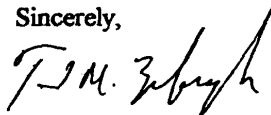
You do not need to submit an application to us if your project meets all the terms and conditions of "Category I" in the enclosed Federal permit known as the Massachusetts Programmatic General Permit (PGP). An application is required if your project is in Category II or Category III - Individual Permit (see PGP, Pages 13-15). If preparing an application, please use the enclosed application form (ENG Form 4345) and reference your existing file number 200101375. Samples of necessary plans are enclosed. When preparing plans, please ensure that all pertinent features and labeling are legible, and reproduced on 8.5" x 11" paper; we also require that you submit an abutters address list and an assessors map of the project area. Other necessary figures include depictions of existing site conditions, as well as detailed plans showing proposed access roads and construction areas with respect to boundaries of wetlands and limits

of ordinary high water for surface tributaries. A wetland delineation done in accordance with the 1987 USACE Wetland Delineation Manual, or the Massachusetts DEP Environmental Protection Handbook dated March 1995 is required, as is verifiable delineation documentation. You are reminded that, according to General Requirement #5 of the Massachusetts PGP, "...general permits shall not be used for piecemeal work and shall be applied to single and complete projects. All components of a single project shall be treated together as constituting one single and complete project and/or all planned phases of a multi-phased project... This general permit shall not be used for any activity that is part of an overall project for which an individual permit is required."

Please note that performing work within our jurisdiction without a Corps of Engineers permit could result in substantial penalties. Finally, our Corps permit process does not supersede any other agency's jurisdiction. Therefore, if other Federal, State, and/or local agencies have jurisdiction over your proposed activity, you must receive all other applicable permits before you can begin work.

If you have any questions regarding this letter, please contact me at (978) 318-8298, or (800) 362-4367 within Massachusetts.

Sincerely,



Tad M. Zebryk
Project Manager
Regulatory Division

Enclosures

Copies Furnished:

DEP Northeastern Regional Office
Division of Wetlands & Waterways
Department of Environmental Protection
205A Lowell Street
Wilmington, MA 01887

Phil Morrison
U. S. Fish & Wildlife Service
70 Commercial Street, Suite 300
Concord, NH 03301-5087

John McCulloch
U. S. EPA Region 1
1 Congress Street
Suite 1100-Mail Code CWQ
Boston, MA 02114-2023

Jane W. Mead
Commonwealth of Massachusetts
Executive Office of Executive Affairs
Coastal Zone Management Program
100 Cambridge Street - Rm. 2000
Boston, MA 02202



United States Department of the Interior

FISH AND WILDLIFE SERVICE
New England Field Office
70 Commercial Street, Suite 300
Concord, New Hampshire 03301-5087



RE: Abandonment and Discontinuance of Service
Mystic Wharf Branch AB 32 (Sub No. 91)
Charlestown, Massachusetts

July 2, 2001

Robert Culliford
Boston & Maine Corporation
Iron Horse Park
No. Billerica, MA 01862

Dear Mr. Culliford:

This responds to your May 30, 2001 letter requesting information on the presence of federally-listed and proposed, endangered or threatened species in relation to the abandonment of an approximate 1.45-mile segment of railroad line known as the Mystic Wharf Branch in Charlestown, Massachusetts. Our comments are provided in accordance with Section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531-1543).

Based on information currently available to us, no federally-listed or proposed threatened or endangered species under the jurisdiction of the U.S. Fish and Wildlife Service are known to occur in the project area.

Thank you for your cooperation. Please contact me at 603-223-2541 if we can be of further assistance.

Sincerely yours,

Philip A. Morrison

for Michael Amaral
Endangered Species Specialist
New England Field Office

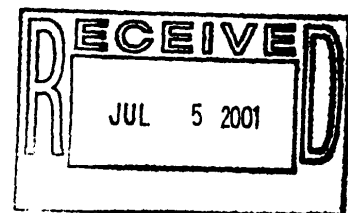


EXHIBIT E
Applicant's Draft Federal Register Notice

STB No. AB-32 (Sub-No. 92)
Notice of Application to Abandon or to Discontinue Service

On August 31, 2001 the Boston and Maine Corporation filed with the Surface Transportation Board, Washington, D.C. 20423, an application for permission for the abandonment and discontinuance of service on a line of railroad known as the Mystic Wharf Branch in Charlestown, Massachusetts, extending from railroad milepost 0.00 to railroad milepost 1.45, a distance of 1.45 miles, in Suffolk County, Massachusetts, which traverses through United States Postal Service Zip Codes 02129. No agency station is located along the line for which abandonment and discontinuance of service is sought.

The line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it. The applicant's entire case for abandonment and discontinuance was filed with the application.

This line of railroad has appeared on the applicant's system diagram map or has been included in its narrative in category 1 since January 1999.

The interest of railroad employees will be protected by Oregon Short Line Railroad Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979).

Any interested person may file with the Surface Transportation Board written comments concerning the proposed abandonment and discontinuance or protests (including the protestant's entire opposition case), within 45 days after the application is filed. All interested persons should be aware that following any abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 U.S.C. 10905 (§ 1152.28 of the Board's rules) and any request for a trail use condition under 16 U.S.C. 1247(d) (§ 1152.29 of the Board's rules) must be filed within 45 days after the application is filed. Persons who may oppose the abandonment or discontinuance but who do not wish to participate fully in the process by appearing at any oral hearings or by submitting verified statements of witnesses, containing detailed evidence should file comments. Persons interested only in seeking public use or trail use conditions should also file comments. Persons opposing the proposed abandonment or discontinuance that do wish to participate actively and fully in the process should file a protest.

In addition, a commenting party or protestant may provide:

- (i) An offer of financial assistance, pursuant to 49 U.S.C. 10904 (due 120 days after the application is filed or 10 days after the application is granted by the Board, whichever occurs sooner);
- (ii) Recommended provisions for protection of the interests of employees;
- (iii) A request for a public use condition under 49 U.S.C. 10905; and
- (iv) A statement pertaining to prospective use of the right-of-way for interim trail use and rail banking under 16 U.S.C. 1247(d) and § 1152.29.

Parties seeking information concerning the filing of protests should refer to § 1152.25.

Written comments and protests, including all requests for public use and trail use conditions, must indicate the proceeding designation STB No. AB-32 (Sub- No. 92) and should be filed with the Secretary, Surface Transportation Board (Board) , Washington, DC 20423, no later than October 15, 2001. Interested persons may file a written comment or protest with the Board to become a party to this abandonment and discontinuance proceeding. A copy of each written comment or protest shall be served upon the representative of the applicant Robert B. Culliford, Iron Horse Park, North Billerica, MA 10862, (978) 663-1029. The original and 10 copies of all comments or protests shall be filed with the Board with a certificate of service. Except as otherwise set forth in part 1152, every document filed with the Board must be served on all parties to the abandonment proceeding. 49 CFR 1104.12(a).

The line sought to be abandoned and discontinued will be available for subsidy or sale for continued rail use, if the Board decides to permit the abandonment and discontinuance, in accordance with applicable laws and regulations (49 U.S.C. 10904 and 49 CFR 1152.27). No subsidy arrangement approved under 49 U.S.C. 10904 shall remain in effect for more than 1 year unless otherwise mutually agreed by the parties (49 U.S.C. 10904(f)(4)(B)). Applicant will promptly provide upon request to each interested party an estimate of the subsidy and minimum purchase price required to keep the line in operation. The carrier's representative to whom inquiries may be made concerning sale or subsidy terms is Robert B. Culliford, Iron Horse Park, North Billerica, MA 10862.

Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Section of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Section of Environmental Analysis. EAs in these abandonment proceedings normally will be made available within 33 days of the filing of the application. The deadline for submission of comments on the EA will generally be within 30 days of its service. The comments received will be addressed in the Board's decision. A supplemental EA or EIS may be issued where appropriate.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on August 31, 2001 the foregoing Application in
STB Docket No. AB-32 (Sub No. 92) was served on those parties listed at 49 C.F.R.
§1152.24(c) by mailing a copy United States first class mail, postage prepaid, to the following:

The Honorable Jane Swift
Governor of Massachusetts
Office of the Governor
360 State House
Boston, MA 02133

Department of Telecommunications
and Energy
Transportation Division
One South Station
Boston, MA 02110

Kevin J. Sullivan, Secretary
Executive Office of Transportation
and Construction
10 Park Plaza - Suite 3170
Boston, MA 02116

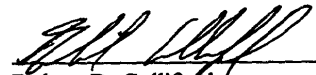

Robert B. Culliford

EXHIBIT C



Maritime Division
Massachusetts Port Authority
One Harborside Drive, Suite 200S
East Boston MA 02128-2909
TEL (617) 946-4413 FAX (617) 946-4422 (617) 946-4466
www.massport.com

August 3, 2001

Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423

Re: AB 32 (Sub No. 91)
Boston and Maine Corporation
Abandonment and Discontinuance of Service
Mystic Wharf Branch, Suffolk County, MA

Dear Secretary Williams:

A copy of the Boston and Maine Corporation's (BMC's) Environmental/Historical Report regarding the above-referenced filing was recently forwarded to my attention. As the owner of several maritime industrial properties that are currently served by the Mystic Wharf Branch, I am writing to express the Massachusetts Port Authority's (Massport's) concerns regarding the BMC proposal.

Massport currently owns four maritime properties that abut the Mystic Wharf Branch:

- Moran Terminal - an approximately 60-acre former container terminal that is presently used by the Boston Autoport for automobile import and processing;
- Mystic Pier 1 - an approximately 5-acre site including a covered storage shed that is currently used by the Boston Autoport;
- Mystic Piers 48/49/50 - a 3-acre bulk cargo terminal currently used to import, store and distribute road salt; and
- Medford Street Terminal - a 14-acre multi-use marine terminal currently used to import and stockpile construction materials as well as for an extension of the Boston Autoport.

Although none of these tenants use the rail line at this time, they could in the future depending on the direction that their businesses grow. The availability of rail provides business growth opportunities that would not otherwise be available or would be associated with higher levels of environmental and community impacts (e.g., increased truck traffic). Without an active rail line to the site, for example, Boston Autoport will have great difficulty attracting an automobile export account. In addition, when Boston Autoport and the other tenants vacate these properties, the availability of rail will greatly enhance maritime-related redevelopment opportunities for the terminals. In fact, the two most recent inquiries we have had regarding future redevelopment of Medford Street Terminal were both contingent on availability of rail service.

Secretary Vernon A. Williams

August 3, 2001

Page 2

In addition to Massport's properties and tenants, the BMC line actively serves U.S. Gypsum, a company that imports gypsum and uses it to manufacture wallboard and related products. Although the BMC filing does not provide any information regarding the impact on this company, elimination of rail service along the Mystic Wharf Branch will undoubtedly affect their business and increase truck traffic through a densely developed and highly congested area of Boston.

The Port of Boston is currently at a major competitive disadvantage compared with other east coast ports because rail service to so many of our marine terminals has been discontinued over time and, once discontinued, is virtually impossible to restore. Without the option to transport cargo to and from marine terminals via rail, it is becoming increasingly difficult to attract new business or even retain current accounts that need access to a variety of intermodal transport options. In addition, because all of our facilities are located in highly congested areas within the City of Boston, growth that must rely solely on trucks to transport cargo to and from the terminals raises significant environmental and community concerns. For these reasons, I respectfully request that you and BMC strongly reconsider the proposal to abandon and discontinue service along the Mystic Wharf Branch.

Please feel free to call me or Deborah Hadden at (617) 946-4413 if you have any questions or want to discuss our concerns further. Thank you for your consideration of this important matter.

Sincerely,

MASSACHUSETTS PORT AUTHORITY

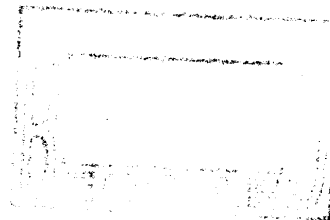


Michael A. Leone

Port Director

cc: Robert Culliford, Boston and Maine Corporation
Astrid Glynn, Executive Office of Transportation and Construction
Tom Skinner, Massachusetts Coastal Zone Management

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Maritime Division
Massachusetts Port Authority
One Harborside Drive, Suite 200S
East Boston MA 02128-2909
TEL (617) 946-4413 FAX (617) 946-4422 (617) 946-4466
www.massport.com

October 16, 2001

Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423

Re: Boston and Main Corporation
Abandonment and Discontinuance of Service
Mystic Wharf Branch, Suffolk County, MA
STB Docket No. AB 32 (Sub No. 92)

Dear Secretary Williams:

A copy of the Boston and Maine Corporation's (BMC's) re-filed Application to Abandon and Discontinue Service along a 1.45-mile segment known as the Mystic Wharf Branch in Charlestown, Massachusetts was recently forwarded to my attention. As the owner of several maritime industrial properties that are currently served by the Mystic Wharf Branch, I previously wrote to you to express the Massachusetts Port Authority's (Massport's) concerns regarding the original BMC filing. For the reasons outlined in that letter, a copy of which is attached, Massport remains opposed to BMC's proposal to abandon and discontinue service along the Mystic Wharf Branch. If service along this line cannot be continued, then Massport, hereinafter referred to as the "Proponent," hereby requests issuance of a Public Use Condition pursuant to 49 CFR 1152.28 rather than an outright abandonment authorization between milepost 0.00 and milepost 1.45 of the Mystic Wharf Branch. Proponent is an independent state authority responsible for developing, promoting and managing transportation infrastructure including that related to the Port of Boston.

Proponent asks the Surface Transportation Board (STB) to find that this property is suitable for other public use, specifically use as a future dedicated truck haul road or rail corridor serving the Mystic River Designated Port Area (DPA) properties, and to place the following conditions on the abandonment:

1. An order prohibiting BMC from disposing of the corridor, including the tracks, ties and signal equipment, except for public use on reasonable terms. As indicated in my August 3, 2001 letter, the rail line serves four of Proponent's maritime industrial properties. Although none of the tenants on these properties currently use the rail line, they could in the future. The availability of rail service, or the potential to restore rail service if it becomes necessary in the future, greatly enhances maritime-industrial opportunities. In addition, efficient truck access to marine terminals with as little impact as possible on

Secretary Vernon A. Williams

October 16, 2001

Page 2

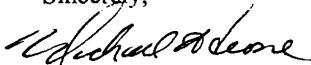
residential communities will maximize the viability of the existing uses as well as potential future maritime uses. If the rail corridor was owned by a public entity such as the Proponent, it could be used to construct a dedicated truck haul road serving the maritime properties. Such a road, which has been requested for years by Charlestown community representatives, would directly link each of the Proponent's properties with Interstate-93 via Sullivan Square in Charlestown providing public benefits by shifting trucks away from the nearby residences as well as protecting the significant number of jobs and economic impact associated with these maritime uses. (The current uses generate more than 500 jobs and contribute more than \$20 million annually to the local economy.) In addition, this use would preserve a transportation corridor that could be used to restore rail service should it become necessary to support future maritime industrial uses, which would also divert trucks away from local streets and generate significant economic benefits to the public. The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time to assemble and review title information and begin negotiations with BMC.

2. An order barring removal or destruction of structures such as bridges, trestles, culverts and tunnels that may be useful for construction of a truck haul road or future restoration of rail service. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason indicated above.

Please feel free to call me or Deborah Hadden at (617) 946-4413 if you have any questions or want to discuss our request further. Thank you for your consideration of this important matter.

By my signature below, I certify service upon Boston and Maine Corporation, by U.S. Mail, postage pre-paid, first class, this 18th day of October 2001.

Sincerely,



Michael A. Leone
Port Director

cc: Robert Culliford, Boston and Maine Corporation
Astrid Glynn, Executive Office of Transportation and Construction
Tom Skinner, Massachusetts Coastal Zone Management

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EXHIBIT D



BOSTON & MAINE CORPORATION
MAINE CENTRAL RAILROAD COMPANY
SPRINGFIELD TERMINAL RAILWAY COMPANY

IRON HORSE PARK
NO. BILLERICA, MASS. 01862

FILE COPY

LAW DEPARTMENT
(978) 663-1029

September 11, 2001

Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20006

**Re: Boston and Maine Corporation
Application to Abandon and Discontinue Service
Docket No. AB 32 (Sub 92)**

Dear Secretary Williams:

Enclosed for filing please find an original and ten (10) copies of the Boston and Maine Corporation's Reply to the Comment filed by the Massachusetts Port Authority in the above-referenced matter. Also enclosed please find a diskette containing the document in Word format.

Thank you for your attention to this matter. Please feel free to contact me if you should have any questions or comments.

Sincerely,

Robert B. Culliford
Corporate Counsel

cc: Michael A. Leone, Port Director-Massport

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**FINANCE DOCKET NO.
AB-32 (Sub No. 92)**

**BOSTON AND MAINE CORPORATION
ABANDONMENT AND DISCONTINUANCE OF SERVICE
SUFFOLK COUNTY, MASSACHUSETTS**

APPLICATION TO ABANDON AND DISCONTINUE SERVICE

**REPLY OF THE BOSTON AND MAINE CORPORATION
TO THE COMMENT SUBMITTED BY
THE MASSACHUSETTS PORT AUTHORITY**

Dated: September 10, 2001

Applicant's representatives:

**Robert B. Culliford
Law Department
Iron Horse Park
North Billerica, MA 01862
(978) 663-1029**